

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:04 CR 211-1BO

FILED

AUG 02 2006

CLERK
US DISTRICT COURT, EDNC
BY _____ DEP CLK

UNITED STATES OF AMERICA

v.

DAVID PASSARO

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MOTION TO DELAY
ENFORCEMENT OF SUBPOENAS

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, respectfully requests that this Court order the delay of the enforcement of the subpoenas issued in the above case by the Defendant to the government employees and former government employees which are the subject of motions to quash.

As the Court is aware, the United States has filed Motions to Quash the subpoenas issued by David Passaro through his attorneys out of the United States District Court, Eastern District of North Carolina. These subpoenas have been directed to the government employees and former government employees as set forth in the subpoenas and as covered in the Motions to Quash filed by the United States. Each subpoena requests testimony and information which will likely be covered by the Classified Information Procedures Act (CIPA), directing these subpoenaed individuals to provide testimony and documents as set forth in the subpoenas.

Each of the subpoenas orders the individual to appear on August 7, 2006, in the Federal Courthouse in Raleigh, North Carolina at 10:00 a.m. The United States now moves asking this


lc. Fayed Boyle

Court to delay enforcement of each of the subpoenas covered by the Motions to Quash until such time as this Court can hear and determine the issues brought to this court in the Motions to Quash. The persons subject to the subpoenas are great distances from Raleigh North Carolina. The expense and burden on the enforcement of the subpoenas at the designated time and place is unreasonable in light of the prior orders of this Court dealing with the issues being brought up, yet again, by the defendant by the issuance of these subpoenas.

The United States requests that the Court issue an immediate order delaying the effectiveness of the subpoenas and delay any enforcement until the decision on the Motions to Quash.

Respectfully submitted, this 2nd day of August, 2006.

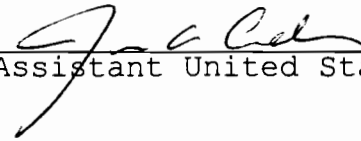
GEORGE E.B. HOLDING
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CERTIFICATE OF SERVICE

I do hereby certify that I have this 2nd day of August, 2006, served a copy of the foregoing by placing a copy of the same in the U.S. Mails and by facsimile, addressed as follows:

Joseph B. Gilbert
Assistant Federal Public Defender
Office of the Federal Public Defender
150 Fayetteville Street Mall, Suite 450
Raleigh, NC 27601.


Assistant United States Attorney